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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 MAUNU RENAH WILLIAMS,

09 Plaintiff,

10 v.

11 JAMES J. STONIER, *et al.*,

12 Defendants.

Case No. C11-5687-RSM-MAT

REPORT AND RECOMMENDATION

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14 This is a civil rights action filed under 42 U.S.C. § 1983. At the time this Court first
15 reviewed plaintiff's complaint plaintiff was confined at the Western State Hospital in
16 Steilacoom, Washington where he was undergoing a competency review pursuant to an Order
17 of the Cowlitz County Superior Court. It appears that plaintiff's criminal proceedings have
18 now concluded and that plaintiff is now out of custody and residing in Portland, Oregon.

19 Plaintiff's complaint was somewhat difficult to understand. However, he appeared to
20 assert therein that his constitutional rights had been violated during the course of his state court
21 criminal proceedings. He also appeared to assert that staff at the Cowlitz County Jail had
22 denied him access to legal materials necessary to file federal habeas and civil rights actions.

REPORT AND RECOMMENDATION

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01 Plaintiff identified as defendants in his complaint Cowlitz County Judge James Stonier,
02 Cowlitz County Prosecutor Susan Baur, Cowlitz County Jail Sergeant Moses, attorney Samuel
03 Wardle, Washington State Bar Association Senior Disciplinary Counsel Felice Congalton, and
04 the Washington Commission on Judicial Conduct. Plaintiff sought relief in the form of
05 damages and a transfer to Canada as he had renounced his United States Citizenship given the
06 injustices he had been subjected to in his criminal proceedings.

07 On February 2, 2012, this Court issued an Order declining to serve plaintiff's complaint
08 and granting him leave to amend. (Dkt. No. 61.) In that Order, the Court identified several
09 deficiencies which plaintiff would have to correct before the complaint could be served on
10 defendants. (*Id.* at 3-5.) Specifically, the Court explained that to the extent plaintiff was
11 seeking to challenge his confinement and/or deficiencies in his then pending criminal action,
12 his claims were barred by *Heck v. Humphrey*, 512 U.S. 477 (1994).¹ (*See id.* at 3.) The Court
13 further explained that a majority of the individuals identified as defendants in this action were
14 not subject to suit under § 1983. (*Id.* at 3-4.) Finally, the Court explained that, to the extent
15 plaintiff intended to assert a denial of his right of access to the courts, he failed to adequately
16 allege a cause of action under § 1983 because he failed to connect each of the alleged
17 deprivations to specific individuals and he failed to clearly identify any actual injury he had
18 suffered to his right of access. (*Id.* at 4.)

19 Plaintiff was granted thirty days within which to file an amended complaint curing the
20 noted deficiencies and was warned that his failure to do so would result in a recommendation

21 1 In *Heck*, the United States Supreme Court held that a § 1983 claim that calls into question the
22 lawfulness of a plaintiff's conviction or confinement does not accrue "unless and until the conviction or sentence is
reversed, expunged, invalidated, or impugned by the grant of a writ of habeas corpus." *Heck*, 512 U.S. at 489.

01 that this action be dismissed. (*Id.* at 5.) Plaintiff subsequently moved for, and was granted, an
02 extension of time to file his amended complaint. (*See* Dkt. Nos. 62 and 65.) However, to
03 date, plaintiff has not submitted any amended complaint to the Court for review.

04 Because plaintiff has had ample time to file an amended complaint curing the
05 previously identified deficiencies but has failed to do so, this Court recommends that plaintiff's
06 complaint, and this action, be dismissed without prejudice pursuant to 28 U.S.C.

07 § 1915(e)(2)(B). A proposed order accompanies this Report and Recommendation.

08 DATED this 9th day of July, 2012.

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11 Mary Alice Theiler
12 United States Magistrate Judge
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